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In re Application of: DeYoung :
Appl. No.: 09/586943 : DECISION ON PETITION
Filed: 6/2/2000 :
For: AUTOMATIC COVER LATCH AND :
AND PRESSURE RELIEF SYSTEM FOR :
A DOUGH DIVIDER :

This is a decision on the petition filed on August 9, 2004 by which petitioner requests withdrawal of the restriction requirement as set forth in the Office Action of May 5, 2004. The petition is considered pursuant to 37 CFR 1.144, and no fee is required.

The petition is dismissed as moot.

Review of the application and of the claims shows that the examiner first promulgated the disputed requirement for restriction December 30, 2003. Petitioner elected, with traverse, on January 22, 2004. The examiner found the traversal unpersuasive, added newly presented claims to a new grouping and made the requirement for restriction final in the Office Action of May 5, 2004. Petitioner seasonably presented arguments for reconsideration of the Office position under 37 CFR 1.144.

During consultation with the examiner in preparation of the response herein, the undersigned has been informed that reconsideration has resulted in the examiner withdrawing the requirement and working in concert with petitioner in resolving all issues remaining impeding allowance of the application. Accordingly, the relief sought on petition appears moot.

PETITION DISMISSED

Frederick R. Schmidt, Director
Technology Center 3700